IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.1889 OF 1999

Mrs.Beena Ninand Patil
Residing at Vartak Ward
Near Ram Mandir, Tal: Vasai
Dist: Thane. ..Petitioner

Vs.

1. The Principal
   Vadyavardhini Annasaheb Vartak
   College of Arts
   Kedarnath Malhotra College of Commerce
   E.S. Andrades College of Science
   Vasai Road, (W. Rly.)
   Tal: Vasai, Dist: Thane.

2. The Secretary
   Vidyavardhini, Vasai Road.

3. University of Bombay

4. The State of Maharashtra
   Education Department
   Mantralaya, Mumbai ..Respondents

Ms. S.V. Deshpande for Petitioner
Mrs. S.S. Bhende, A.G.P. for Respondent No.4
Mr. J.M. Chandankar for Respondent No.1
Mr. R.A. Rodrigues with Mr. B.V. Phadnis for Respondent No.3

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 13TH APRIL, 2005.

JUDGMENT (PER F.I. REBELLO, J.)

. Petitioner is employed with the Vidyavardhini E.S.Andrades College of Schience as a Lecturer in the subject of Physics since 8th July, 1991. In the instant case the Respondent No.1 had forwarded a proposal for de-reservation to

Respondent No.3. Respondent No.3 by the affidavit of Mr. Dinesh Kamble, Deputy Registrar dated 12th April, 2005 has intimated that the State Government has rejected the same by letter dated 9th March, 2000. A similar stand was taken while disposing off Writ Petition No.1914 of 1999. The only difference is the affidavit filed by the University. In the instant case Counsel for the Petitioner has produced a copy of the advertisement to show that on the sixth occasion the advertisement showed interchangeability clause.

2. The Petitioner has been serving for more than fourteen years. The issue involved is same as was involved in the **Writ Petition No.1914 of 1999 decided on 13th April, 2005**. Considering the said decision there is power in the State Government to relax the condition of advertisement and the teacher already holding the post in terms of University resolution can be regularised on the said post.

3. We see no reason as to why the Petitioner who has worked for nearly fourteen years be now subjected to a fresh advertisement. Considering that all the formalities have been complied with, in our opinion this would be a fit case to direct the Respondent No.1 to issue a letter to the Petitioner, to firstly treat the Petitioner’s service as on

probation from the date of first appointment and after completing the probationary period to treat the Petitioner as permanent and accordingly issue the letter of appointment.

Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)